

**REAL ESTATE APPRAISER AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Curtis S. Bramble**

**This act amends the Real Estate Appraiser Licensing and Certification Act. This act exempts a real estate broker and real estate sales agent from real estate appraiser licensing and certification requirements when giving an opinion regarding the value of real estate. The act also exempts from the real estate appraiser licensing and certification requirements a person representing or assisting a taxpayer in a property tax appeal. The act makes technical changes.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**61-2b-3**, as last amended by Chapter 117, Laws of Utah 1999

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **61-2b-3** is amended to read:

**61-2b-3. License or certification required.**

(1) Except as provided in Subsection (2), it is unlawful for anyone to prepare, for valuable consideration, an appraisal, an appraisal report, a certified appraisal report, or perform a consultation service relating to real estate or real property in this state without first being registered, licensed, or certified in accordance with the provisions of this chapter.

(2) This section does not apply to:

(a) a principal real estate broker, associate real estate broker, or real estate sales agent, as defined by Section 61-2-2 [~~licensed by this state~~], who, in the ordinary course of [his] business, gives an opinion[~~-(i)~~] regarding the value of real estate;

~~[(ii) to a potential seller or third party recommending a listing price of real estate; or]~~

~~[(iii) to a potential buyer or third party recommending a purchase price of real estate;]~~

(b) an employee of a company who states an opinion of value or prepares a report



28 containing value conclusions relating to real estate or real property solely for the company's use;

29 (c) any official or employee of a government agency while acting solely within the scope  
30 of his duties, unless otherwise required by Utah law;

31 (d) an auditor or accountant who states an opinion of value or prepares a report containing  
32 value conclusions relating to real estate or real property while performing an audit;

33 (e) an individual, except an individual who is required to be registered, licensed, or  
34 certified under this chapter, who states an opinion about the value of property in which he has an  
35 ownership interest;

36 (f) an individual who states an opinion of value if no consideration is paid or agreed to be  
37 paid for the opinion and no other party is reasonably expected to rely on the individual's appraisal  
38 expertise;

39 (g) an individual, such as a researcher or a secretary, who does not render significant  
40 professional assistance, as defined by the board, in arriving at a real estate appraisal analysis,  
41 opinion, or conclusion; ~~[or]~~

42 (h) an attorney authorized to practice law in this state who, in the course of his practice,  
43 utilizes an appraisal report governed by this chapter or who states an opinion of the value of real  
44 estate~~[-]; or~~

45 (i) a person who is representing or assisting a taxpayer in a property tax appeal.

46 (3) No opinion of value or report containing value conclusions exempt under Subsection  
47 (2) may be referred to as an appraisal.

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## Legislative Review Note

as of 10-22-01 2:42 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel